

Docket No.: 60154.301803

Patent

REMARKS

The Examiner is thanked for the comments in the Action. They have helped us considerably in understanding the Action and in drafting this Response thereto. It is our understanding that claims 1-15 remain pending in this application. **We proceed now with reference specifically to the numbered items in the Action.**

Item 1 (Acknowledgement of IDS):

We thank the Examiner for noting this. Otherwise, it appears informational in nature and is understood to require no reply.

Items 2-7 (§ 103(a) rejections):

With the exception of the phrase "*indicia on the front surface*" now being changed to "*indicia for identification on the front surface*," these items are the same as similarly numbered items in the last Action. Applicant's position with respect to these remains essentially the same, and we therefore hereby incorporate by reference the remarks in Applicant's last Response and ask for their reconsideration.

Items 8-10 (Response to Arguments):

The Action here states:

8. In response to the Applicants argument that King is not prior art, the Examiner disagrees. The Examiner notes that the current application is a CIP of US 10/371,928 which is a divisional of US 09/835,961. Accordingly, as US 10/371,928 is silent to a stationary read mechanism as currently recited, the claims do not gain benefit of the earlier filed application. Accordingly, King does qualify as prior art.

However, it appears that there is confusion about what King is being relied upon for to support the rejection. Item 2 of the Action states "King et al. teaches an information card with at least one stripe zone and a ring zone to contain magnetically recorded instances of the data ... King et al. is silent to a reader with a stationary read mechanism" (emphasis added). Otherwise, the Action only comments about what King does not teach. We accordingly understand that King is being relied on for its teaching of an information card, and Applicant's '961 application fully disclosed such long before King was filed.

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The Action next states “9. *In response to the Applicants argument that the teachings of Foote are not enabling teachings, the Examiner notes that Foote establishes that such readers/reading means are known/conventional.*” Respectfully, Foote may establish that some kind of indeterminate readers/reading means are known/conventional, but it does not establish that such as recited in Applicant’s claims are known/conventional and this has not been argued.

The Action next states “10. *Re the Applicants arguments of claims 2, 4, and 12, the Examiner maintains his rejection and notes that his interpretation of a data identifier is a reasonable interpretation.*” Respectfully, the Examiner’s “*interpretation of a data identifier*” is irrelevant. The determinative interpretation is what the disclosure describes a data identifier to be and what one of reasonable skill in the art would understand that to mean.

More disturbing, however, is the underlying rationale of the rejection here. The Actions state “*Though Clark is silent to the use of “data identifiers” at the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to include data identifiers*” This concedes that Clark does not teach data identifiers, and then suspiciously reads like an assertion that they are obvious because the Examiner says they are. Respectfully, we urge the Examiner to reconsider or to at least state a complete and proper rationale here for the rejection.

Item 11 (Conclusion):

This appear informational in nature and is understood to require no reply.

CONCLUSION

Applicant has endeavored to put this case into complete condition for allowance. It is thought that the §103 rejections have all been completely rebutted. Applicant therefore asks that all objections and rejections now be withdrawn and that allowance of all claims presently in the case be granted.

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Respectfully Submitted,



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